HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 26976 of 2007

Dated 18th December, 2007

Between

S.A.Sattar

…Petitioner

and

Deputy Commissioner, Prohibition & Excise,
Nampally, Hyderabad

…Respondent.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 26976 of 2007

ORDER:

This Writ Petition is filed seeking Writ of Mandamus to direct the respondent to release the vehicle bearing Registration No.AP.10U.6057 to the petitioner, pending disposal of the proceedings before the Deputy Commissioner, Prohibition & Excise.

It is stated in the affidavit filed in support of the Writ Petition that the petitioner claims to be the owner of the auto bearing Registration No. AP.10U.6057 and the said vehicle was intercepted and seized by the respondent officials on 24-9-2007 on the ground that the said vehicle was being used for illegal transportation of various brands of Indian Made Liquor. It is further stated that pursuant to the said seizure, so far no confiscation proceedings are initiated and even no show

cause notice is issued to the petitioner. When the petitioner made a representation for release of the said vehicle, the same was rejected by impugned order on the ground that the vehicle was being used for illegal transportation of various brands of Indian Made Liquor.

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondent.

Though as early as on 24-9-2007, the vehicle of the petitioner was seized, but, however, no show cause notice was issued and no confiscation proceedings are initiated. Whether there is any violation of the provisions of the AP Excise Act on the part of the petitioner or not, is a matter which is required to be considered by appropriately initiated proceedings by the respondent-Deputy Commissioner, Prohibition & Excise. As it is stated that though the vehicle was seized on 24-9-2007, no confiscation proceedings are initiated and even no show cause notice is issued as on today, I dispose of the Writ Petition directing the respondents to release the said vehicle in favour of the petitioner on his furnishing bank guarantee for a sum of Rs.25,000/- and further giving an undertaking that he will not alienate, transfer, encumber or create any third party interest over the vehicle in question till the final orders are passed by the respondent, pursuant to the seizure. It is made clear that the amount deposited and undertaking given by the petitioner are subject to the final orders to be passed by the respondent in the enquiry**.**

Subject to the above direction, the Writ Petition is disposed of at the admission stage. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 18-12-2007
CC in two days (BO) Msnr.